

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

OCT 21 2008

SHERRY EATON, on behalf of J.M.E.,)
a minor child,)
Plaintiff,)
vs.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security)
Administration,)
Defendant.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.H. DEPUTY

No. CIV-08-16-W

ORDER

On September 30, 2008, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this case and recommended that the decision of defendant Michael J. Astrue, Commissioner of the Social Security Administration (“Commissioner”), denying the Application for Supplemental Security Income filed by plaintiff Sherry Eaton on behalf of her minor child, J.M.E., be affirmed. Eaton was advised of her right to file written objections to the Report and Recommendation, but she did not file any objections within the time allotted.

Upon review of the record, the Court finds no error has occurred warranting the requested relief and concurs with Magistrate Judge Roberts' suggested disposition of this matter. The Commissioner based his decision on substantial evidence, and he applied the correct legal standards.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on September 30, 2008;
- (2) AFFIRMS the Commissioner's decision to deny Eaton's Application for

Supplemental Security Income filed on behalf of her minor child, J.M.E.; and

(3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this 21st day of October, 2008.



LEE R. WEST
UNITED STATES DISTRICT JUDGE